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9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 Carim Cruz,

11 Petitioner,

12 v.

13 William Hutching, *et al.*,

14 Respondents.
15
16

Case No. 2:21-cv-02118-GMN-DJA

**Unopposed motion for extension of
time in which to file First
Amended Petition**

(First request)

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18 Petitioner Carim Cruz respectfully moves this Court for an extension of time
19 of 60 days, from April 25, 2022, to and including June 24, 2022, in which to file a First
20 Amended Petition.
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ARGUMENT

Mr. Cruz handed his *pro se* petition for writ of habeas corpus to a correctional officer for mailing on November 18, 2021. (ECF No. 1-2 at 1.) This Court provisionally appointed the Federal Public Defender as counsel for Mr. Cruz (ECF No. 6), and undersigned counsel entered his appearance on January 21, 2022 (ECF No. 9). The Court then issued a scheduling order allowing Mr. Cruz until April 25, 2022, to file an amended petition.¹ (*See* ECF No. 11 at 2.)

Counsel continues to review the record in Mr. Cruz's case (which includes an eight-day jury trial) and requires additional time to prepare the First Amended Petition. In addition, counsel is scheduled to meet with Mr. Cruz on May 3, 2022. Finally, any potential deadline under the Antiterrorism and Effective Death Penalty Act of 1996 remains several months away.

Counsel has had many additional professional obligations in the past two months, including, among others: an opposition to motion to dismiss and reply in support of petition filed March 11, 2022, in *Hiller v. Nevada*, Case No. A-21-843379-W (2nd Jud. Dist. Ct.); a reply in support of petition filed March 14, 2022, in *Perez v. Att'y Gen. of the State of Nev.*, Case No. 2:18-cv-02077-KJD-VCF (D. Nev.); an opposition to motion to dismiss and reply in support of petition filed April 6, 2022, in *Goodlow v. Baca*, Case No. CR07-2231 (2nd Jud. Dist. Ct.); and oral argument on the petition that took place April 20, 2022, in *Hiller v. Nevada*, Case No. A-21-843379-W (2nd Jud. Dist. Ct.).

Counsel has additional professional obligations in the next two months, including, among others: an evidentiary hearing in Reno set for April 28, 2022, in *Voss v. Nevada*, Case No. CR97-2077 (2nd Jud. Dist. Ct.); a second amended petition

¹ 90 days after January 24, 2022, was April 24, 2022, which fell on a Sunday. Accordingly, the deadline to file the first amended petition became April 25, 2022. Fed. R. C. Pro. 6(a)(1)(C).

1 due May 16, 2022, in *Santiago v. Johnson*, Case No. 2:21-cv-00896-APG-NJK; a
 2 second amended petition due May 23, 2022, in *Emerson v. Hutchings*, Case No. 2:21-
 3 cv-01215-GMN-NJK (D. Nev.); and an opposition to motion to dismiss due May 31,
 4 2022, in *Sampson v. Russell*, Case No. 3:20-cv-00615-MMD-WGC (D. Nev.).

5 On April 25, 2022, counsel contacted Deputy Attorney General Erica Berrett
 6 and informed her of this request for an extension of time. As a matter of professional
 7 courtesy, Attorney Berrett had no objection to the request. Attorney Berrett's lack of
 8 objection should not be construed as a waiver of any procedural defenses or statute of
 9 limitations challenges, or construed as agreeing with the accuracy of the
 10 representations in this motion.

11 This motion is not filed for the purposes of delay, but in the interests of justice,
 12 as well as in the interest of Mr. Cruz. Counsel for Mr. Cruz respectfully requests this
 13 Court grant the motion and order Mr. Cruz to file the First Amended Petition no later
 14 than June 24, 2022.

15 Dated April 25, 2022.

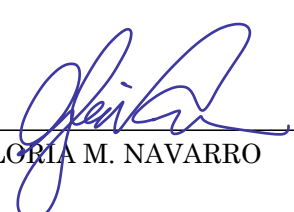
16 Respectfully submitted,

17 Rene L. Valladares
 18 Federal Public Defender

19 /s/ Rick A. Mula

20 Rick A. Mula
 21 Assistant Federal Public Defender

22 IT IS SO ORDERED:

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 24 
 25 GLORIA M. NAVARRO
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UNITED STATES DISTRICT JUDGE